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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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JUN 22 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Part 61 of the
Commission's Rules to Require
Quality of Service Standards
In Local Exchange Carrier
Tariffs

)
)
) RM 7967
) AAD 92-39
)
)
)

COMMENTS OF THE NYNEX TELEPHONE COMPANIES

New York Telephone Company
and

New England Telephone and
Telegraph Company

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SUMMARY

The Joint Petition asks the Commission to initiate a rulemaking that would require the tariffs of LECs subject to price caps to contain certain service quality standards. The Joint Petition merely repeats arguments fully addressed by the Commission in the extensive Price Cap proceeding. The Commission should therefore deny the request for a rulemaking pursuant to 47 CFR § 1.401(e).

Contrary to Petitioners' claim, the Joint Petition does not offer any new information warranting the extraordinary step of initiating a rulemaking on matters already decided by the Commission. Petitioners state that LEC responses to a Congressional subcommittee questionnaire unveil internal service quality standards not previously available. However, the response of the NTCs and other LECs to the questionnaire contained references to transmissions standards that are publicly available, and of which the Commission was fully aware. With knowledge of LEC internal transmission standards, the Commission concluded that cross-referencing to such standards in LEC tariffs was not warranted at the time.

The only circumstances that have changed since the Commission arrived at its conclusion is growth in the exchange access, and increasingly, local exchange markets. As the Commission has repeatedly observed, the discipline of responding to customer demand in an increasingly competitive market will do more to drive LECs towards higher standards of service quality than uniform national standards. The requested rulemaking would therefore be an unwarranted waste of the Commission's resources, and should not be granted.

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COMMENTS OF THE NYNEX TELEPHONE COMPANIES

Pursuant to the Public Notice issued by the Commission on May 21, 1992, New York Telephone Company and New England Telephone and Telegraph Company (the NYNEX Telephone Companies or NTCs) submit these comments on the Joint Petition for Rulemaking (Joint Petition) to require service quality standards in local exchange carrier (LEC) interstate tariffs filed by International Communications Association (ICA) and Consumer Federation of America (CFA) (collectively Petitioners or Joint Petitioners). Because the Joint Petition raises issues that the Commission has thoroughly addressed, the NYNEX Telephone Companies oppose the proposed rulemaking.

I. INTRODUCTION

By their Petition, ICA and CFA ask the Commission to initiate a rulemaking "which would tentatively conclude that tariffed quality of service standards would serve the public

interest"¹ Petitioners want LECs to include in their interstate tariffs the LECs' internal service quality standards for bit error rate and availability in the case of digital transmission, and signal to noise ratio, post-dial delay and call completion for switched analog service.

Service quality under price cap has been exhaustively considered in Docket 87-313.² The Petitioners have had ample opportunity -- through comments, reply comments, petitions for reconsideration, ex partes, and an Application for Review -- to

¹ Joint Petition at 17.

² See Policy and Rules Concerning Rates for Dominant Carriers, CC Docket No. 87-313, Notice of Proposed Rulemaking, 2 FCC Rcd 5208, 5214, para. 34 (1987) (inviting comment on "whether the price cap model might adversely affect service quality or technological innovation resulting in a feature-rich network"); Further Notice of Proposed Rulemaking, CC Docket No. 87-313, 3 FCC Rcd 3195, 3459 para. 495, n.1000 (1988) (Further Notice) (inviting comment on "whether it would be in the public interest to incorporate any such standards into our existing monitoring procedures"); Report and Order and Second Further Notice of Proposed Rulemaking, CC Docket No. 87-313, 4 FCC Rcd 2873 (Second Further Notice) (1989) (considered and rejected the adoption of service quality standards (para. 596); adopted service quality monitoring (para. 597); Second Report and Order, CC Docket No. 87-313, 5 FCC Rcd 6786, 6827, para. 335 (1990) (LEC Price Cap Order) (expanding significantly the monitoring of service quality); Order on Reconsideration, CC Docket No. 87-313, 6 FCC Rcd 2637, 2719, para. 179 (1991) directing the Common Carrier Bureau to "develop reporting requirements to allow monitoring of LEC service quality and infrastructure development"; Public Notice, 6 FCC Rcd 1621, 1622 (Com. Car. Bur. 1991) (March 8 Public Notice) (inviting parties to submit comments so that Bureau may balance "the need for data that will accurately reflect trends in service quality and infrastructure with [the] goal of minimizing the administrative costs to LECs"); Memorandum Opinion and Order, CC Docket No. 87-313, DA91-619, 6 FCC Rcd 2974, 3024; (Com. Car. Bur. 1991) (Bureau MO&O) (disclosure of service standards in LEC interstate tariffs not warranted at this time).

argue these service quality related issues. Without question, service quality is of great importance to the Petitioners, as it is for LECs. However, the job of the Commission is to balance the public interest, which it has done through the extraordinary process of reconsidering its original Price Cap order, and directing the Common Carrier Bureau to consider precisely the issue presented by the Joint Petition. The Commission and the Bureau have concluded that, in light of Price Cap monitoring, the benefit of standards -- even the inclusion of internal service quality standards in LEC tariffs -- do not outweigh the burden they create.³

Petitioners appear well aware of the appropriate means of reviewing the Bureau's decision. ICA filed a Petition for Reconsideration of the Commission's Second Report and Order, and ICA and CFA joined in an Application for Review of the Bureau's Memorandum Opinion and Order.⁴

The Commission should resist the Petitioners' request. Granting the Petition and initiating a Notice of Proposed Rulemaking regarding the inclusion of LECs' internal service quality standards into their tariffs would be a waste of the Commission's resources -- resources which have already spent ample time considering the Petitioners' proposal,

³ LEC Price Cap Order, 5 FCC Rcd at 6830, para. 358, Bureau MO&O, 6 Fcc Rcd at 2991, para. 44.

⁴ Application for Review, Tele-Communications Association, June 17, 1991. As stated in their Opposition to the Application, the NYNEX Telephone Companies oppose the Application because it is devoid of the particularity required to support the claim.

responded with enhanced monitoring requirements, and are now considering means of assuring the reliability of the network for all users.

II. THERE IS NO NEW INFORMATION TO JUSTIFY CIRCUMVENTING THE COMMISSION'S PRICE CAP RULINGS.

Petitioners claim that, despite the extensive consideration of service quality issues in the Price Cap proceedings, their request for a rulemaking is justified because it comes "in the context of fundamentally changed circumstances resulting from newly available information."⁵ The purportedly new information is the service quality information that LECs voluntarily submitted in response to a request of the House of Representatives Subcommittee on Telecommunications and Finance.⁶ The LECs' responses contain no information related to the categories sought by the Petitioners that the Commission and/or the Bureau have not already considered and rejected. Therefore Petitioners' assertion that they have uncovered new information that fundamentally changes circumstances is without merit. The Petition merely repeats information and arguments the

⁵ Joint Petition at 2.

⁶ "Review of Telephone Network Reliability and Service Quality Standards," Majority Staff Report of Subcommittee on Telecommunications and Finance, Committee on Energy and Commerce, U.S. House of Representatives (February 1992).

Commission has already considered. Pursuant to the Commission's Rules, the Petition should be denied.⁷

In their responses to the Subcommittee request, the NTCs and other LECs cited technical publications for their digital and analog transmission standards. It is this information Petitioners attempt to portray as "new." But contrary to the Joint Petition's inference, the Commission was aware of these internal standards. In fact, the Commission expressly discussed the cross-referencing of technical references by LECs in their tariffs. As the Commission noted

LEC tariff filings contain cross references to Bell Technical Publications which define technical parameters of service provision.

* * *

While these technical references do not establish specific standards of acceptable service quality, they do provide a uniform definition of service upon which comparisons can be based.⁸

Thus, responses of the NTCs and other LECs to the Subcommittee's questionnaire contain no information that has not already been considered by the Commission. To the contrary, the Petition asks the Commission to revisit issues the Commission has already thoroughly analyzed and decided.

⁷ 47 CFR § 1.401(e) ("Petitions which are moot, premature, repetitive, frivolous, or which plainly do not warrant consideration by the Commission may be denied or dismissed").

⁸ Second Report and Order, 5 FCC Rcd at 6830, para 356, n. 483, and accompanying text.

Arguments favoring the tariffing of service quality standards have been raised by the Petitioners and others in the extensive Price Cap proceedings.⁹ Petitioners raise the same arguments now, down to page-long verbatim excerpts from earlier comments.¹⁰ The Commission has repeatedly considered these arguments and concluded that the imposition of service quality standards is not warranted.¹¹

⁹ See, e.g., Comments of Tele-Communication Association (TCA), CC Docket No. 87-313, October 19, 1987, at 15 (the Commission should develop effective procedures to enable it to vigilantly monitor and protect quality, particularly in the area of...technical transmission...."); Comments of ICA, CC Docket No. 87-313, July 26, 1988, at 29 ("[t]he Commission should require the inclusion of [transmission quality] standards in the LECs' access tariff"; Reply Comments of TCA, CC Docket No. 87-313, September 9, 1988, at 11 (calling for an NPRM "to establish quality of service standard for inclusion in the LECs' tariffs."); Comments of TCA, CC Docket No. 87-313, June 19, 1989, at 6-8; Petition for Reconsideration of TCA, CC Docket 87-313, November 19, 1990, at iii (calling for a Federal State Joint Board to establish nationwide standards); Petition for Reconsideration of ICA, CC Docket 87-313, November 21, 1990, at 17 (calling for uniform nationwide standards, including service availability and errors per second).

¹⁰ Compare pages 10-11 of Joint Petition to pages 4-5 of the Comments filed by ICA member Boeing Computer Services (April 10, 1991) (Boeing Comments) on the Common Carrier Bureau's March 8 Public Notice, and pages 11-12 of the Joint Petition to pages 6-7 of the Boeing Comments. Copies of these pages are attached as Appendix A.

¹¹ Second Report and Order, 5 FCC Rcd at 6830, para. 358. ("On the current record, and given the expanded monitoring program we are adopting, we believe that it is unnecessary and would be quite difficult to establish detailed, universal standards for service quality, and the monitoring and enforcement sequentiae they would demand."); Order on Reconsideration, 6 FCC Rcd at 2725-2726, para. 192 ("parties have offered no new arguments in support of national standards, and we remain convinced LECs have sufficient incentives to maintain service quality.")

Nor can Petitioners claim their views were given short shrift. Despite the Commission's "conviction that incentive regulation will stimulate LECs to maintain and increase the high level of service presently available,"¹² in "an abundance of caution"¹³ the Commission had, as it noted in its Order on Reconsideration, decided to further investigate service quality issues raised by Petitioners and others. In the LEC Price Cap Order, the Commission directed the Common Carrier Bureau to "develop reporting requirements to allow monitoring of LEC service quality and infrastructure development."¹⁴

Concurrent with the Commission's proceeding, the Bureau issued a Public Notice that asked that commentors address, among other issues, data transmission quality.¹⁵ Twenty-five parties, including Petitioner ICA, filed their views.

The Bureau specifically considered "the inclusion in LEC tariffs of LECs' own service quality standards."¹⁶ Having reviewed the concerns of all parties regarding service quality standards, the Bureau concluded that

while we believe that a standards requirement might provide certain benefits, we are not persuaded that these benefits cannot be realized through the detailed and

¹² Order on Reconsideration, at 6 FCC Rcd at 2719, para. 179.

¹³ Id.

¹⁴ Id.

¹⁵ March 8, Public Notice at 2.

¹⁶ Bureau MO&O, 6 FCC Rcd at 2990-2991 at 18, para. 41.

thorough monitoring program we have established. We will continue to watch for cause to revisit the proposal, but we will not at this time impose a requirement that LECs file service standards in their tariffs.¹⁷

Thus, the Common Carrier Bureau has already balanced the public interest and, as did the Commission, concluded that tariffing internal quality of service standards is not warranted.

Similarly, the Bureau expressly considered the digital transmission criteria of bit error rate and availability sought by Petitioners. After weighing the record in response to its request for comments on the criteria, the Bureau concluded

While we believe that reporting on bit error rate, availability, and error free seconds is important, it is also clear that it fails to establish the balance between usefulness and burden that the Commission directed us to seek.¹⁸

And the analog criteria of post-dial delay has been thoughtfully considered by the Bureau at the Commission's direction.¹⁹ Based on filings and ex partes the Bureau concluded that "LEC call set-up time can be calculated from data already required in our Infrastructure Development reports, with only slight modification."²⁰

¹⁷ Id., at 2991-2992, para. 44.

¹⁸ Id., at 2980, para. 12.

¹⁹ LEC Price Cap Reconsideration Order, 6 FCC Rcd at 2722, para. 184.

²⁰ Bureau MO&O, 6 FCC Rcd at 2980, para. 23.

III. CONTRARY TO THEIR ASSERTION, THE INFORMATION
SOUGHT BY PETITIONERS IS READILY AVAILABLE TO
THEM.

Petitioners argue that as a matter of fairness and commerce, they need to know LEC internal digital and analog transmission standards. They claim that "LECs are the only major service vendors in the nation's economy which are in no way obligated to meet specific and enforceable quality standards."²¹ Petitioners liken interstate tariffs to contracts of adhesion because "essential terms and conditions relating to service quality are nowhere to be found."²² As major consumers of products and services themselves, the NYNEX Telephone Companies sympathize with the Petitioners' desire for information by which to measure the quality of service rendered. The NTCs in fact supply in their tariffs and publications the very information Petitioners seek.

As noted above²³, LECs cross-reference the technical documents containing these standards in their tariffs. The documents are available from the authoring party or various publishing firms, for a fee, upon request. Testing and monitoring of digital circuits is available on a tariffed

²¹ Joint Petition at 7 (emphasis in the original). This assertion puzzles the NTCs. As regulated utilities, they are accountable to state commissions, many of which have established detailed service quality standards and enforcement mechanisms. Further, as common carriers they have an obligation not to discriminate, limiting their ability to provide varying quality of service under contract terms. See 47 USC § 201(a).

²² Id. at 8.

²³ See infra text accompanying note 8.

basis, as noted by the Bureau in its Memorandum Opinion and Order.²⁴

Petitioner ICA states that its members include "major corporate, educational and governmental users of telecommunications equipment, facilities and services."²⁵ These users have the ability and sophistication to request, purchase and analyze the technical documents containing the transmission criteria sought by the Petition. Large users issue requests for proposals in which the user specifies its performance criteria. A LEC must respond with its performance levels if it wishes to win the bid in the increasingly competitive market for exchanges access and local exchange services. The user can request service testing under tariff to assure their circuits continue to perform at the published standard.

In light of the various means by which such users can obtain LEC transmission criteria and hold the LECs accountable to performing at such levels, the Commission should view with skepticism Petitioners' contention that

In the absence of tariffed standards against which to measure the performance of these lines, a user is handicapped in its ability to require an LEC to repair or replace these circuits. A user is also susceptible to the claim that, having accepted these circuits in the first instance, they must be of acceptable quality.²⁶

²⁴ Bureau MO&O, 6 FCC Rcd at 2980, para. 12. See, e.g. NYNEX FCC Tariff No 1, Section 13.3.5.

²⁵ Joint Petition at 1.

²⁶ Joint Petition at 11.

Further, if Petitioners are dissatisfied with transmission standards, they have the opportunity to define those standards through industry forums, such as subcommittee T1A1, which has made significant progress in defining transmission performance standards.²⁷

IV. DRAMATIC GROWTH IN COMPETITION REPRESENTS THE REAL CHANGE IN CIRCUMSTANCES, AND THE GREATEST INCENTIVE TO PROVIDE QUALITY SERVICE.

Petitioners also argue that unlike typical "victims" of adhesion contracts, they cannot seek relief through avoidance of the contract because they have no place to go.²⁸ This argument presents no new circumstance warranting Commission reversal of its earlier decision that monitoring and the marketplace will motivate LECs to continue to provide high quality service under Price Caps. It merely repeats an identical argument previously raised by ICA member, Boeing Computer Services.²⁹

²⁷ The NTCs understand that Petitioner ICA is a member of Committee T1, but has not participated in the proceedings of the T1 subcommittee charged with developing transmission parameters, T1A1, or its predecessor, T1Q1. Users are welcome to participate in the standards deliberations and as members are entitled to vote on proposed standards through letter ballot. Broadcasters, for example, have participated in the development of TV standards.

²⁸ Joint Petition at 9.

²⁹ Compare Joint Petition at 7 with Boeing Comments CC Docket 87-313, April 10, 1991, at 4. The Joint Petition repeats Boeing's contention down to identical language ("requiring the LECs to include quality standards in their tariffs would do nothing more than require the carriers to operate in the same commercial environment as the customers they service.")

But more importantly, whatever sway the contention may have held in the past has been considerably weakened by the emergence of competition in the local exchange and exchange access markets. In fact, if there has been any fundamental change in circumstances, it is in the expansion of competition in these markets. As the Commission anticipated in its LEC Price Cap Order

where access competition has begun to emerge, LECs have rapidly upgraded their network and implemented advanced technologies. At present, alternative access vendors are active in many areas; private networks can bypass LEC services; interexchange carriers can construct their own facilities farther into the local network. In such a market-place, where alternatives exist, if LECs fail to provide good service quality and invest in advanced technology to keep their network at the technological forefront, the market will punish them through a loss of demand.³⁰

Events since the Commission issued its LEC Price Cap Order have borne out this observation. Competition in the local exchange market, particularly in the large business market segment, has in fact increased dramatically. Its emergence has been well documented in the Commission's Expanded Interconnection, Local Transport Rate Restructure and Open Network Architecture proceedings. Further, as the NYNEX Telephone Companies recently noted in another proceeding,³¹

³⁰ LEC Price Cap Order, 5 FCC Rcd at 6830, para. 355.

³¹ In the Matter of AT&T Communications Tariff FCC No. 15 Competitive Pricing Plan No. 2. Resort Condominiums International, CC Docket No. 90-11, Comments of the NYNEX Telephone Companies on AT&T's Direct Case, May 21, 1992, pp. 3-6.

the number of competitive access provers (CAPs) and alternative local transport providers (ALTs) is growing. According to a recent study, the number of ALTs has grown from less than five in 1986, to approximately 30 by early 1991; and the number of cities in which ALTs operate has expanded from fewer than five in 1986 to nearly 60 by the end of 1991.³²

A recent survey commissioned by New York Telephone of its two hundred largest customers confirms that competition in several of the markets served by the NTCs has grown dramatically. The survey revealed that New York Telephone's share of the Manhattan large business market for premises-to-POP DS1 services was approximately 64%, while Teleport Communications alone had achieved a 26% share.³³

The NYNEX Telephone Companies, like other LECs, are grappling with the realities of competition.³⁴ The NTCs recognize that success in a competitive market requires them to provide quality service, and to be attentive to the needs of their customers. The NTCs note that they already include performance standards for digital data and analog services in their interstate tariffs; the tariffs also reference technical

32 See "Competitive Assessment of the Market for Alternative Local Transport" by Dr. S. Kraemer, Deliotte & Touche Telecommunications Industry Program, 1991 Monograph Series, at 2 (Kraemer Report).

33 A description of the survey methodology and more details concerning the survey results were included in the NTCs' Comments on AT&T's Direct Case as Attachment A.

34 On June 5, 1992, New York Telephone filed with the New York State Public Service Commission tariffs that would unbundle rates for basic access service.

publications. Therefore, the NTCs oppose the Petition not because they want to deny the Petitioners access to information which they seek, but because it will divert limited resources to issues that have already been addressed by the Commission.

V. IF THE COMMISSION GRANTS THE REQUEST, THE NPRM MUST BE CAREFULLY CIRCUMSCRIBED.

In an effort to conserve the Commission's resources, and their own, the NTCs have limited themselves to procedural matters. These comments have not addressed the merits of the underlying issue raised by the Petition, that is whether the benefits of such a tariff requirement would outweigh the cost. In the NTCs' view, all the substantial issues raised by the Joint Petition have been addressed in the Price Cap proceeding including: the inclusion of internal service quality standards in LEC tariffs,³⁵ use of bit error and availability to measure digital service quality,³⁶ and analog transmission standards including post-dial delay.³⁷

If the Commission should initiate the NPRM sought by the Petition, the NTCs are prepared to yet again argue that revising LEC interstate tariff requirements to include internal standards for the five identified categories is unwarranted because they would, as pointed out in earlier comments: impose an unreasonable administrative burden on LECs and Commission

35 See infra note 11.

36 See infra note 18.

37 See infra note 19.

staff, requiring tariff revision and review with every change in the standard;³⁸ be costly and intrusive given the technical limits on the ability to measure digital performance mechanism;³⁹ be premature given the lack of established industry standards for acceptable digital transmission performance;⁴⁰ and be difficult to monitor given the problems with attributing transmission trouble to the LEC, interexchange carrier or customer path of transmission.⁴¹

If the NPRM is initiated, and an internal service quality standard tariffing requirement considered, the Commission must make certain that the categories of standards are reasonable,⁴² and measurements uniformly defined. Otherwise, as was the case with responses to the Telecommunications Subcommittee's questionnaire, apples will be compared to oranges, and there would be no rational basis on which to draw valid conclusions.

Finally, Joint Petitioners state that they "are not, through [the] request for rulemaking, asking the Commission to

38 See, e.g., Reply Comment of the Pacific Companies, CC Docket 87-313, April 25, 1991 at 9; Reply Comments of United States Telephone Association (USTA) CC Docket 87-313, April 25, 1991 at 5, Reply Comments of Southern New England Telephone (SNET), CC Docket 87-313, April 25, 1991 at 9-10.

39 See, e.g., Reply Comments of Southwestern Bell Telephone Company (SWBT) CC Docket 87-313, April 25, 1991 at 5 passim.

40 Id.

41 Id.

42 Joint Petition at 16.

develop national standards."⁴³ The Commission has firmly held that national standards are not warranted.⁴⁴ The NYNEX Telephone Companies strongly believe the Commission was correct. Competition is emerging, and the discipline of responding to customer demand will do more to drive service quality than uniform national standards. If the Commission initiates the requested rulemaking, it should hold Petitioners to their word, and firmly preclude any attempt to promote such a rulemaking into a vehicle for national standards.

VI. CONCLUSION

Petitioners represent NTC customers. In a burgeoning market of local exchange and exchange access competition, the NTCs know that it is in their best interest to provide their customers with quality service, and the means to measure that performance. However, Petitioners have presented no reason for the Commission to waiver from its view that the inclusion of internal service quality standards in LEC tariffs is unwarranted. The purportedly "newly available information" that "fundamentally changes circumstances," is in fact information of which the Commission has long been aware. The rulemaking would merely divert the Commission's limited

⁴³ Joint Petition at 15. Though, as the Bureau noted, "It appears likely that a requirement that interstate tariffs include service quality standards ... is tantamount to establishing national standards." MO&O at 18-19.

⁴⁴ LEC Price Cap Order, 5 FCC at 6829-32, paras. 350-371.

resources to issues that have already been resolved. The NYNEX Telephone Companies therefore urge the Commission to deny the request for a rulemaking.

Respectfully submitted,

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APPENDIX A

EXCERPTS FROM THE JOINT PETITION

services, tariffed standards should include signal-to-noise ratio, call completion, and post-dial delay.

The need for tariffed performance standards is particularly acute because of the continuing nature of communications services. Although a user can engage in testing before accepting new circuits to determine whether they are of the desired quality, private lines, PBX trunks and the like can and do deteriorate in quality over time. In the absence of tariffed standards against which to measure the performance of these lines, a user is handicapped in its ability to require an LEC to repair or replace these circuits. A user is also susceptible to the claim that, having accepted these circuits in the first instance, they must be of acceptable quality. Tariffed service quality standards would provide a user with the means to ensure that the LEC continues to provide the same quality of service which it did when the user first accepted these circuits.

Neither the Commission nor users will benefit from tariffed quality of service standards, however, unless they measure the relevant parameters of service. It is therefore important that the Commission identify the particular categories of standards which should appear in the LECs' tariffs. This will also ensure that all of the LECs subject to price cap regulation include the same service quality standards in their tariffs.

1. Dedicated Digital Transmission Standards

In the case of digital private lines, there are two quality of service standards that are best used to measure performance:

availability and bit error rate.^{11/} Availability is, as its name suggests, the percentage of time that a full-period private line is available for use by a subscriber. Although stated in terms of a percentage, availability is a binary measurement, in that it measures whether a line is "up" and available for use or whether a line is "down" and incapable of transmitting information. Availability is very easily measured because it reflects extremes. There is rarely any doubt whether and when a given line is "available."

Bit error rate is a complementary measure of quality; it is also a much finer measurement than availability. Whereas availability measures the amount of time that a circuit is available for use, bit error rate measures the quality of transmission over that line. More specifically, bit error rate is a measure of the number of bits transiting a digital private line that are errored (i.e., incorrectly transmitted) during a given period of time. Bit error rate is stated as a negative exponent.

Taken together, availability and bit error rate provide an accurate measure of the quality of digital private lines.

Information recently made available by the LECs indicates that for some digital services, in particular DDS, some carriers do not utilize an internal standard for bit error rate.^{12/} For those

^{11/} Only one carrier, BellSouth, professed to have no standard for either of these parameters in the two most widely-used digital access services, DDS and DS1. See Majority Staff Report at Section 2, Question 6.

^{12/} See Majority Staff Report at Section 1, Summary & at Section 2, Question 6.

EXCERPTS FROM BOEING COMMENTS OF APRIL 10, 1991